

**Cumberland Township Board of Supervisors  
Minutes of the September 25, 2012 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairperson Underwood. Present were Supervisors Shealer, Toddes and Ferranto; Manager Ben Thomas, Jr., Solicitor Jason Kelso filling in for Solicitor Sam Wisner, Assistant Secretary Carol Merryman, Police Chief Don Boehs, and Zoning Officer Bill Naugle. Others present were: Carolyn Greaney, Dale Molina, Speros Marinos, John Horner, Barry and Jean Stone, Sandy Dixon, Elizabeth Magner, Jim Paddock, Bob and Pat Gentry, Sherrin Poland, Mark Walters from The Gettysburg Times and Amy Stansbury from The Evening Sun. Mr. Waybright was absent. The meeting was recorded.

Chairperson Underwood led the Pledge of Allegiance.

**Mr. Ferranto made a motion to approve the Minutes of the August 9 and 23, September 6, 2012 workshop meeting and August 28, 2012 regular meeting seconded by Mr. Toddes and carried.**

**Mr. Shealer made a motion to pay the bills, in the amount of \$235,439.00 from the General Fund, \$435.00 from the Escrow Fund and \$30,411.90 from the State Fund, seconded by Mr. Ferranto and carried.**

**Engineer:**

Mr. Thomas reported that the Board received a request for extension for the approval of the HACC Land Development Plan for 180 days. **Mr. Shealer made a motion to grant a 180-day extension for the approval of the HACC Land Development Plan seconded by Mr. Toddes and carried.**

Mr. Thomas also reported that the Board reviewed the Olswski Tract – Commercial Land Development Plan, located mainly in Mt. Joy Township, with Mr. Knoebel at the workshop. Mr. Knoebel had recommended that the Board could take action on this plan and approve it subject to his comments being addressed because there is no development occurring on the small portion of land that is within Cumberland Township. **Mr. Toddes made a motion to approve the Olswski Tract – Commercial Land Development Plan subject to the developer addressing the comments in KPI's July 12, 2012 letter seconded by Mr. Ferranto and carried.**

Chairperson Underwood reported that Warren Stouck, resident; and dedicated, long-time member of the Township's Planning Commission, had passed away on September 11, 2012.

**Public Comment:**

Mr. John Horner, 20 Horner Road, reported that he had submitted a subdivision plan that proposed subdividing a five-acre lot off of his farm and, due to circumstances beyond his control; he would like to withdraw the plan. Mr. Horner asked that the any unused funds in his escrow account be returned to him. Mr. Thomas asked Mr. Horner to give the Township this request in writing.

Ms. Sherrin Poland, Greenmount Fire Company, thanked the Road Department for their help removing a tree during the September, 2011 storm.

Mr. Speros Marinos, 912 Baltimore Pike, reported that he feels that the workshops are very worthwhile and he feels that Cumberland Township staff is very helpful compared to other states that he works in.

**Police Report:**

Police Chief Don Boehs presented a written and oral report of police activities for the month of August including 580 complaints, 111 combined arrests, 125 traffic stops, 15 traffic accidents and 10,543 patrol miles. He added that they assisted other agencies 14 times and they were assisted 5 times.

## **Active Business:**

Mr. Thomas asked the Board to authorize the advertisement of possible adoption of two ordinances that amend the Police and Non-Uniformed Pension Plans. The amendments incorporate changes required by the Heroes Earnings Assistance Relief Tax (HEART) Act and keep the plans in compliance with the Internal Revenue Code. Mr. Thomas further explained that if a municipal employee dies while performing qualified military service, the survivors of the municipal employee are entitled to any additional benefits provided under the Pension Plan. **Mr. Ferranto made a motion to authorize the advertisement of the two proposed ordinances seconded by Mr. Shealer and carried.**

Mr. Thomas reported that the 2013 Minimum Municipal Obligation (MMO) for the Pension Plans have been calculated as follows: Police - \$114,387.00 and Non-Uniformed - \$53,281.00. Mr. Thomas also reported that the projected State Aid from the Commonwealth of Pennsylvania is \$96,552.00. **Mr. Ferranto made a motion to approve the 2013 Minimum Municipal Obligations, as reported by Mr. Thomas, for the Police and Non-Uniformed Pension Plans seconded by Mr. Toddles and carried.**

Mr. Thomas reported that the Board had authorized him and Solicitor Wisner to review the Admission/Amusement Tax Ordinance and they have done that. Mr. Thomas added that they are asking the Board to consider the following:

- Bring the Gettysburg Area School District to the table since they receive a portion of the tax.
- Better define the wording of the ordinance and remove any discretionary wording.
- Better define the engaging or participating aspect and possibly have a lower tax rate of 6% for that and keep the 10% tax rate for admissions.

Mr. Thomas also suggested that the Board get public comment (from residents and those that it effects) before a final draft of the ordinance is written and advertised so concerns can be addressed. The Board agreed to take public comments at the November 8, 2012 workshop that is held at 7:00 p.m.

Mr. Thomas reported that due to a mistake by the Seminary's agent with receiving the Letter of Credit for the Western Gateway Land Development Plan, the developer's 90 day window to record the plan has expired. **Mr. Shealer made a motion to authorize Chair Underwood to re-sign the Western Gateway Land Development Plan for the Lutheran Seminary, and date it today's date, seconded by Mr. Ferranto and carried.** The Board originally approved the plan with conditions at their regular meeting on June 26, 2012.

## **Reports:**

Mr. Thomas reported that he has placed some information in the Board's mailboxes regarding emergency services' needs.

The Zoning Officer and Assistant Secretary's report were reviewed.

Mr. Shealer reported that the Township received their 2013 estimated Liquid Fuels allocation notification, in the amount of \$174,634.87, a slight increase from last year. Mr. Shealer added that the allocation is based on the mileage (46.1) and population (6,162) of the Township.

## **Solicitor:**

Solicitor Kelso reported that the Board has two documents; Resolution 2012-11 and Post-Issuance Compliance Policies. Solicitor Kelso explained that Resolution 2012-11 authorizes; approves and adopts a rate modification for its General Obligation Bond, in the amount of \$1,605,000.00, executed on February 25, 2011 at a fixed interest rate of 3.99% for 180 months and a floating rate of between 2.85% and a ceiling of 5.65% for the remaining 120 months. He reported that the new rate is 2.95% fixed for the life of the loan, about 23 ½ years and that will mean a significant savings of approximately \$220,000.00 for the Township. **Mr. Ferranto made a motion to adopt Resolution 2012-11 for a rate modification on the Township's General Obligation Bond**

**seconded by Mr. Shealer and carried.** Solicitor Kelso also reported that the Internal Revenue Code has certain requirements for borrowings and the Internal Revenue Service wants municipalities to have written policies in place. The adoption of this policy ensures compliance with the Internal Revenue Code. Solicitor Kelso added that the policy requires that a Post-Issuance Compliance Coordinator be appointed (similar to a Right-to-Know Officer) and he suggested that the Township Manager be the Coordinator. **Mr. Ferranto made a motion to adopt the Post-Issuance Compliance Procedures, under the auspices of the Finance Committee and being placed on the Township's web-site for public disclosure seconded by Mr. Toddes and carried.**

Mr. Toddes reported that the Park and Rec Committee meets tomorrow at 4:00 p.m.

There being no further business, the meeting was adjourned at 7:35 p.m.

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Carol A. Merryman, Asst. Secretary

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